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AMERICAN OCEANS CAMPAIGN

September 8, 2000

Mississippi River/Gulf of Mexico Action Plan (4503F)
c/o U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

AMERICAN OCEANS CAMPAIGN COMMENTS ON DRAFT PLAN OF ACTION FOR REDUCING, MITIGATING, AND CONTROLLING HYPOXIA IN THE NORTHERN GULF OF MEXICO

To members of the Task Force:

On behalf of the members of American Oceans Campaign (AOC), I submit the following comments on the *Draft Plan of Action for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico*. AOC is a national, nonprofit organization whose mission is to protect and restore coastal and marine waters, habitats, and wildlife. We have long been proponents of improved water quality for our nation's coastal waters.

In our view, the actions recommended in the draft action plan will be a good first step to improve the water quality in the Gulf of Mexico (Gulf) and to stem nutrient loading in the Mississippi and Atchafalaya River basins (River basins). We support the expanded use of watershed approaches to stemming pollution and applaud the goal of significantly reducing nutrient pollution entering the Gulf. While the action plan contains laudable recommendations, portions of the plan need improvement and strengthening. American Oceans Campaign signed a joint comment letter dated September 8, 2000 about this plan; as such, the comments below are supplementary in nature.

Coastal Goals.

Coastal Goal 1A--a minimum 30% reduction of nitrogen loading to the Gulf of Mexico--should be the preferred option because it sets measurable nitrogen reduction limits. While even these values may be difficult to measure with certainty, a finite number needs to be used to judge success of upstream policies. In addition, the target reduction percentage should be increased with time. Current models predict that a 20-30% reduction in nitrogen loading would lead to a 15-50% increase in oxygen, an amount that will undoubtedly improve the conditions but will not produce an oxygen level that will sustain a majority of aquatic life. Assuming that current oxygen levels are 2.0 mg/L in some areas, a maximum nitrogen decrease under this scenario will lead to a maximum of 3.0 mg/L according to current models. By many state standards, this would still fail to meet even the "Poor" water quality category. Thus, a finite goal is necessary, but the end goal should be to reduce nitrogen loading to the maximum extent possible.

Coastal Goal 1B--reducing the average areal extent of the hypoxic zone--should be used as a secondary gauge of the upstream programs' effectiveness. The extent of the hypoxic zone will vary temporally, but a long term monitoring of its complete size and severity is necessary. Researchers could determine the seasonality, extent, and severity of the hypoxic zone using historical data and working in cooperation with various private and public entities. One potential scenario could include a series of long-term stations along with transects to determine its outer boundaries, making sure to include those waters that lie outside state jurisdiction if the conditions warrant. These efforts would help measure the ultimate

effectiveness of the overall program, for if the hypoxic zone does not respond, then efforts need to be changed accordingly.

Coastal Goal 1C--pursuing practical, cost-effective efforts to protect the ecological and fisheries resources by reducing nutrient over-enrichment--is admirable, but redundant within the context of this plan and should therefore be discarded. This goal is implicitly included in the current Total Maximum Daily Load (TMDL) program, which, as evidenced by the current Gulf hypoxic conditions, has not been as effective as originally intended. In addition, the "Quality of Life" sub-goal is not consistent with the remainder of the document; citing improvement of economic conditions throughout the Mississippi Basin is a worthy goal, but is inconsistent with the remainder of the Action Plan's message and goals.

Implementation Actions and Timeline.

Action #1. As the Action Plan is nearing its completion, the Task Force sub-basin committees should be completed prior to Summer 2001. As most stakeholders have been a part of ongoing meetings, formalizing these groups by Spring 2001 is an attainable goal and would hasten further implementation.

Action #2. All sub-basins should begin implementing nitrogen-loading reduction programs, not just those "with greatest contribution to the Gulf hypoxia." Priority should be given to these "problem" sub-basins, but the cumulative effect of other sub-basins will have a large impact as well. In the long term, the most effective solution will be to prevent pollution, which necessitates curbing nitrogen loading across the board immediately in all areas, not just in the priority sub-basins.

Action #6. The integrated research strategy is essential to the understanding and measurement of this problem; as a result, this action should receive high priority and be started immediately. A good scientific framework, including necessary funding, is critical to the overall success of these efforts and to avoid duplicate work by participating partners. This action should produce a strategy earlier than the Fall 2001 goal as listed.

Action #9. The U.S. Army Corps of Engineers should immediately implement nutrient reduction actions not only within the River basins, but throughout the country. Similar to Action #2, the Corps can take steps *now* during the planning phase of current projects to incorporate measures to decrease nutrient loading. To set a goal of Fall 2003 of determining *potential* reduction actions is to ensure loading from this source for far too long.

Stakeholder Cooperation and Coordination.

Because the hypoxic zone in the Gulf results from a variety of causes, the efforts to study and hopefully minimize its extent will be most successful when all stakeholders and partners actively cooperate. Numerous agencies, universities, and private companies have robust datasets and models already in existence regarding the water quality for the River basins and the Gulf. These data should be assessed and ideally incorporated into decisions and models because they represent a historical record that may provide valuable clues into long-term trends. In a similar vein, the Gulf hypoxia model must fully integrate the physical, chemical, and biological aspects of the benthic and pelagic components in freshwater, estuarine, and marine ecosystems within the River basins and the Gulf. To do so, U.S. Geological Survey (USGS) and National Oceanic and Atmospheric Administration (NOAA) must work closely in developing their model parameters, as initial and boundary conditions are critical in affecting the model's accuracy and precision. While close coordination takes time and patience, the ultimate payoff of good data and a model built upon it is well worth the effort.

Emphasis on Voluntary Programs.

Currently, few regulatory or legislative requirements exist for holding non-point pollution abatement plans accountable for monitoring or improving water quality. We believe upstream states have an obligation to limit their output to minimize effects on downstream areas. In the Gulf, the downstream impacts of excessive nutrient loading receive minimal thought or have been completely disregarded in upstream communities. While some may follow an "out of sight, out of mind" philosophy, these upstream communities do, in fact, have a stake in the health of downstream waters in the many ways, including healthy fisheries and safe recreational areas.

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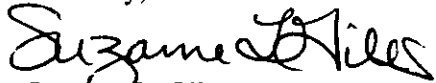
We commend the plan's recommendations for encouraging private citizens and local agencies to minimize their effect on nutrient loading, but we call upon the EPA, state legislatures, and Congress to enact and enforce strong policies and legislation to protect the water quality of downstream states from upstream neglect and disregard. In particular, attention should be given to establishing strong coastal nonpoint programs, instituting other accountable polluted runoff strategies, and implementing effective TMDL plans.

Scientific Basis for Goals and Taking Action.

Any goals associated with this project must be set with a long-term, science-based focus in mind. While local, state, and national politics invariably play a role in a problem as complex as this one, scientific judgements should form the cornerstone of deciding what should be done. An adaptive assessment framework works well for a complex problem such as the Gulf hypoxic zone, but such a framework must be shielded from short-sighted decisions that often occur due to politics. With this goal of a science-guided process in mind, we strongly encourage states and communities within the River basins to take steps *now* to decrease nutrient loading because the longer these actions are delayed, the more severe the hypoxic zone in the Gulf will become, leaving a lasting legacy of their neglect.

Thank you for your consideration of these comments. We look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne L. Giles". The signature is fluid and cursive, with the first name "Suzanne" being more prominent.

Suzanne L. Giles

Water Quality Program Coordinator